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09/644,198	08/22/2000	Tamotsu Ito	16869P-011900US	1115
20350 7590 10/05/2009 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER				
BROWN, RUEBEN M				
ART UNIT		PAPER NUMBER		
2424				
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10/05/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/644,198

**Applicant(s)**

ITO ET AL.

**Examiner**

REUBEN M. BROWN

**Art Unit**

2424

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 35-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 35-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/IC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Page No(s)/Mail Date 6/5/09

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to the claims have been considered, but are not persuasive. On page 7 of the arguments, applicant asserts that the "primary attribute" in Duhault, such as "the optional viewing parameters add/delete from automatic generated channel list; delete from the user's customization channel list; add/delete to a lock-out list (e.g., parental control); or labeling a channel with a name, icon or text, etc.", are the only items tat will be reproduced after the period of time. Accordingly, these items are not a moving picture of a user-specified title or the user contents, as reproduced in claim 1. First of all, examiner points out that the passage Duhault that applicant refers to is not the passage of Duhault cited by examiner (col. 5, lines 42-60) in the rejection of the subject matter. The passage of Duhault referenced by the applicant (col. 5, lines 30-40) is concerned with an editing function, which is different from playback function.

Secondly, it is pointed out that the passage in Duhault cited by the examiner is concerned with the preview function. The preview function allows the user to view a multi-channel display with at least one thumbnail size image associated with one video programming channel, (Fig. 2; col. 3, lines 32-54). The user can preview the video programming from a particular channel, by selecting a desired channel in one of many known selection methods, see col. 5, lines 1-12. The point of Duhault's invention is that the user will be able to preview the video programming from

a plurality of channels (while not necessarily simultaneously played back, previewing would at least be one video program after the other), without having to re-initiate the multi-channel display interface, see col. 1, lines 35-50.

Applicant's argument with respect to Scaer are moot in view of the new grounds of rejection. The newly cited reference, Mattaway, more clearly discloses that an object may be selected by merely hovering over the instant object for a predetermined period of time, as recited in the claims, see Para [0114-0115]. As for the argument that the selection is not the same as playback, it is pointed out that the Mattaway reference is not cited to teach playback of the selected item... after a period of time. Both Takahashi & Duhault teach playback of a selected video program. However, those references do not teach that item can be selected by merely hovering over the item. Thus, the combination of Takahashi & Duhault, in view of Mattaway, provides for selecting an item for video playback by hovering the cursor over the item for a predetermined period of time.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 & 35-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi, (U.S. Pat # 6,483,983), in view of Duhault, (U.S. Pat # 5,900,868) and Mattaway, (US-PGPUB 2004/0172588)

Considering amended claims 1 & 36, Takahashi teaches an apparatus (Fig. 1) that enables a user to access a plurality of programs. The amended claimed features of the content including a plurality of titles that includes a plurality of chapters, each chapter including a plurality of frames, the titles and chapters include moving pictures, is met by the disclosure of Takahashi (Fig. 3; col. 5, lines 21-40; col. 6, lines 20-40; col. 9, lines 31-40).

*'reproducing module configured to reproduce the content'* is met by the overall system of Takahashi, which is a reproducing apparatus (col. 3, lines 55-63; col. 4, lines 39-58; col. 7, lines 24-50) that is triggered by a reproducing button 22 that command the reproduction of data from the disk, (col. 4, lines 62-67).

*'user input module configured to receive user input with at least a select button and/or cursor button'*, reads on the user interface 11, col. 4, lines 56-67.

The amended claimed, *'system control module configured to control the reproducing module to display the titles on a display module, wherein each of the titles are represented by*

*title representation information*', is met by the system control unit 9 of Takahashi, which is in charge of controlling the operations of the driver unit 1, buffer unit 2 & the decoder unit (Fig. 1; col. 4, lines 17-38. Takahashi also shows in Fig. 3 that a plurality of titles are available for selection by the user (as tag 18). The claimed *'title representation information'*, is broad enough to read on the symbols representing the titles contained on the disks, see col. 5, lines 21-48, as shown in Fig. 3.

*'wherein the system control module, controls the reproducing module to play back automatically user-specified title as a small frame if there is no button input for a select period of time'*, Takahashi, (col. 7, lines 65-67 thru col. 8, lines 1-2; col. 11, lines 25-67; col. 12, lines 32-63), discloses that after a user selects a chapter with the cursor button 27, that the associated moving picture may be displayed for a duration of time, col. 7, lines 25-37, but does not teach playback of the video as a small frame. However, Duhault teaches that when a preview is mode is detected, the video program is played in the thumbnail area (col. 5, lines 42-60, Fig. 5 step 148), which reads on the claimed *'playback...as a small frame'*. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Takahashi with the feature allowing the viewer to preview the video programming from a channel as a thumbnail (and maybe another channel) before displaying the video programming as a full screen video, which would require the user to re-initiate the multi-channel display function, if the user decided to preview any other channels, as taught by Duhault col. 1, lines 41-52.

However, the references do not explicitly discuss a delay time when waiting for another user input before starting playback of the moving picture in the small frame. Nevertheless, Mattaway, which is also in the same field of endeavor of interactive object selection, teaches a system that allows a user to make a selection of an object by merely hovering the cursor of the mouse over the instant object for a predetermined time, Para [0114-0115]. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the combination of Takahashi & Duhault with the feature of selecting an object on a screen by allowing the user to hover the mouse cursor over the object, instead of having to focus & then click the instant desired object, as taught by Mattaway [0114] which at least reduces the amount of clicking required by user of the system, and obviates at least one step in the selection process.

As for the further claimed feature, *'wherein the automatic playback start position of the user-specified title is part of the moving picture indicated by the single frame'*, Takahashi teaches that moving pictures is played from the start picture of the chapter, col. 6, lines 34-51; col. 7, lines 25-50.

As for the further amended claimed feature, that the system stops playback of the title after the playback ends, Duhault teaches that when the preview portion is complete, then the video ends, see col. 5, lines 45-62.

Regarding claim 36, the claimed elements of an apparatus for accessing content on a storage medium that correspond with subject matter mentioned above in the rejection of claim 1,

is likewise treated. Furthermore, claim 36 recites '*program*', which corresponds with the claimed '*title*' of claim 1. Also claim 36 recites, '*plurality of scenes*', which likewise corresponds with claimed chapters of claim 1.

Considering claims 35 & 37, Official Notice is taken that at the time the invention was made, 'skipping' and 'fast forward playback', similar to a VCR, was old in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Takahashi/Duhault with the feature of fast forward or skipping, at least for benefit of allowing the user to go to the section of the movie that he/she most desires to view, at a particular time.

Considering claim 38, the claimed feature of '*reproduce the plurality of chapters, each of the chapters represented by a single frame and wherein at least the single frames for the plurality of chapters are configured to displayed on the display module as a chapter selection screen*', is met by Fig. 3 of Takahashi, col. 5, lines 21-48.

Considering claim 39, the claimed feature of '*reproduce the plurality of scenes, each of the scenes being represented by a single frame and wherein at least the single frames for the plurality of scenes are configured to displayed on the display module as a scene selection screen*', is met by Fig. 8 of Takahashi, col. 13, lines 58-67 thru col. 14, lines 1-15. The claimed '*scene*' corresponds with the subprogram of Takahashi.



***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

(571) 273-7290 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Christopher Kelley/

Supervisory Patent Examiner, Art Unit 2424